

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BELLAHAUEL BENOTMANE,
Petitioner,

v.
JOSEPH McDONOUGH,
Respondent.

CIVIL ACTION
NO. 04-10049-WGY

ORDER

YOUNG, C. J.

For the reasons stated below, this action shall be re-opened and the respondent is directed to demonstrate good cause, in writing, why a writ of habeas corpus should not be issued.

BACKGROUND

Petitioner Bellahael Benotmane, an immigration detainee being held at the Plymouth County Correctional Facility ("PCCF"), filed a petition for a writ of habeas corpus under Section 2241 on January 8, 2004. Mr. Benotmane challenged his current detention by the Bureau of Immigration and Customs Enforcement under Zadvydas v. Davis, 533 U.S. 678 (2001), contending that he was not going to be removed in the reasonably foreseeable future. Mr. Benotmane appeared to allege that he had been detained since he was ordered removed on November 4, 2002. Petition, p. 1.

On February 4, 2004, counsel for the respondent filed a motion to dismiss, claiming that Mr. Benotmane was scheduled to be removed on February 24, 2004. See Docket Nos. 3-5. I granted the respondent's motion to dismiss without prejudice, but stated that if Benotmane was not removed on or before February 24, he could renew his habeas petition. See 2/11/04 Electronic Order.

On February 26, 2004, the Court received an undated letter from Mr. Benotmane stating that he was not removed on February 24, and was still being detained at PCCF.

ACCORDINGLY,

(1) the Clerk shall re-open this action.

(2) the Respondent is directed to demonstrate good cause in writing, within 7 days of the date of this Order, why a writ of habeas corpus should not issue.

SO ORDERED.

March 10, 2004

DATE

s/ William G. Young

CHIEF JUDGE